

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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August 26, 2005

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Federal Communications Commission
Office of the Secretary

Honorable Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Petition of the New York State Department of Public Service for
Mandatory Number Pooling.

Dear Secretary Dortch:

Enclosed please find an original and four copies of the Petition of the New York State Department of Public Service, for filing with the Federal Communications Commission.

Should you have any questions concerning this document, please call me at (518) 474-1634.

Very truly yours,

Maureen E. Farley
Assistant Counsel

enc.

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of

Petition for Order Marking
All Rate Centers in New York
Mandatory for Number Pooling

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Docket No.

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*Federal Communications Commission
Office of the Secretary*

**PETITION OF
NEW YORK STATE DEPARTMENT OF PUBLIC SERVICE
FOR MANDATORY NUMBER POOLING**

BACKGROUND AND SUMMARY

On April 24, 2002, the Federal Communications Commission (Commission) issued an order adopting a national thousand-block number pooling rollout schedule for number resource conservation, which required pooling in the top 100 Metropolitan Statistics Areas (MSAs).¹ The Commission stated that it would consider extending pooling to other numbering plan areas (NPAs) once pooling was implemented in the top 100 MSAs. The Commission said it would evaluate requests to modify the pooling schedule giving priority to NPAs where jeopardy is declared and to NPAs that were initially pooled or scheduled to be pooled pursuant to delegation of pooling authority to state commissions. Under the adopted schedule, all top 100 MSAs were ordered to implement thousand-block number pooling by December 14, 2003.

Prior to the Commission's order, the New York Public Service Commission (Public Service Commission) issued an Order on March 17, 2000, requiring state-wide number pooling

¹ In the Matter of Numbering Resource Optimization, CC Docket No. 99-200 DA 02-948, Order (released: April 24, 2002).

for all rate centers in New York.² All Local Number Portability (LNP) – capable carriers in the State were required to participate. The New York State Department of Public Service (NYDPS) recently requested that NeuStar Number Pooling Services (Neustar), the numbering administrator, correct its records to mark all rate centers in New York mandatory for pooling for LNP-capable companies pursuant to the March 17, 2000 Order. Neustar responded that New York needed Commission permission or direction to mark all rate centers in New York mandatory for thousand number block pooling. This petition seeks such an order.

DISCUSSION

NYDPS is seeking an order directing NeuStar to mark all rate centers in New York mandatory for thousand-block number pooling for the following reasons:

First, the Commission decided that pooling must be implemented in the top 100 MSAs in the nation before it is extended into smaller areas. This implementation has been successfully completed. It is now an appropriate time to expand mandatory pooling to areas outside the top 100 MSAs. In New York, competition is expected in all areas of the State with increased offerings of Voice Over Internet Protocol (VoIP), wireless service, and other service offerings. Cable television companies are beginning to offer telephone service throughout the State, in rural as well as urban areas. As these new competitive companies seek telephone numbers, the present number exhaust dates will accelerate dramatically. Mandatory pooling before the

² Case 98-C-0689 – Proceeding on Motion of the Commission Pursuant to Section 97(2) of the Public Service Law to Institute an Omnibus Proceeding to Investigate the Efficiency of Usage of Telephone Numbering Resources and to Evaluate the Options for Making Additional Central Office Codes and/or Area Codes Available in Areas of New York State When and Where Needed, Order Instituting State-Wide Number Pooling and Number Assignment and Rulemaking Procedures (issued March 17, 2000).

companies request and receive blocks of 10,000 numbers will conserve numbers in the long run by preventing number exhaust and the need for area code changes.

Second, the Commission noted that pooling is most beneficial when all or most carriers providing service in the pooling area are able to participate in pooling.³ Since competition is expected in all New York rate centers with the introduction of VoIP, wireless, and cable company telephone service, companies will have others with which to pool numbers. Therefore pooling will be beneficial in all parts of the State.

Third, carriers in New York are not burdened by pooling. All carriers in the State are now LNP- capable, which provides most of the functionality for pooling. Any further investment for pooling is minimal. Incumbent independent telephone companies in New York have already paid for LNP. Competitive local exchange companies in New York are already pooling elsewhere.

Fourth, thousand-block number pooling is an existing and proven successful number optimization procedure. In view of increased competition outside the top 100 MSAs, the assignment of 10,000 number blocks to each competitor will quickly exhaust New York's number inventory. In addition, thousand-block number increments are sufficient for many companies and companies are always free to request additional blocks as they gain more customers.

³ In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, DA 02-948, Order, rel. April 24, 2002 at 2.

Fifth, the Public Service Commission was previously delegated authority to pool numbers⁴ and did so in its March 17, 2000 Order. As a result of this Order requiring number pooling throughout the State, all companies doing business in the State have had notice of the pooling requirement for over five years. It is in the interest of all New Yorkers for the Commission to direct mandatory pooling throughout the State, consistent with the Public Service Commission's Order.

Most importantly, while 1,000 block pooling is not a major burden on carriers, failure to implement it will result in area code changes, which are a major burden on consumers. New area codes cause confusion to callers and potential safety issues when hospitals, ambulances, and public health and safety institutions are required to change their telephone numbers. The records for 911, which include telephone numbers, need to be changed when area codes change. Errors in record changes can result in serious health, safety and welfare concerns. The accuracy of telephone numbers is also a security issue. If contacts are not reachable because of outdated area codes on old contact lists, security may be compromised. Businesses suffer economic harm when their area codes are changed. They are required to advertise the new numbers, contact existing customers, and revise all stationery showing their new telephone number. They face the possibility of losing business during area code transition periods when customers use an old number.

CONCLUSION

Mandatory thousand-block number pooling exists in the top 100 MSAs in the nation. In order to conserve numbers and area codes in light of wireless, cable, and VoIP competition

⁴ In the Matter of New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket No. 96-98, NSD File No. L-99-21, Order, rel. Sept. 15, 1999.

throughout the State, NYDPS respectfully requests that the Commission direct NeuStar to mark all rate centers in New York mandatory for pooling.

Respectfully submitted.

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Dated: August 26, 2005